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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,315	08/27/1999	ALAIN BOUILLLOUX	ATOCM-154	7591

23599 7590 06/27/2002

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EXAMINER

SELLERS, ROBERT E

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 06/27/2002

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/384,315

Applicant(s)

BOUILLOUX ET AL.

Examiner

Robert Sellers

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 June 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 20 June 2002. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☒ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See the attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See the attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 20, 23, 32 and 38.

Claim(s) withdrawn from consideration: 21, 22, 24-29, 31, 33-37, 39 and 40.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

Robert Sellers  
Primary Examiner  
Art Unit: 1712

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The amendment after Final rejection mailed June 20, 2002 (Paper No. 15) has been denied entry since the phrase "and having 2 epoxide functional groups" in claim 20 and new claim 41, line 4 refers to a species such as a bisphenol A diglycidyl ether (the amendment filed July 23, 2001 (Paper No. 10, page 1, component (A) and page 2, lines 5-6) which is different from the copolymer of an unsaturated epoxide or an unsaturated epoxide-grafted polyolefin (specification, page 3, lines 16-18. There is no support nor enablement for the copolymer or grafted polyolefin "having 2 epoxide functional groups."

A comma should be inserted after the "copolymer made from an unsaturated carboxylic acid" for (C) in claims 20, 21, 41 and 42 to distinguish between the copolymer and the compound of an  $\alpha,\omega$ -aminocarboxylic acid such as aminoundecanoic acid (page 5, lines 22-24).

The 35 U.S.C. 103(a) rejection over Spelthann is maintained since the blending within a twin-screw continuous mixer of a thermoplastic polyolefin with an anhydride-functional copolymer (1)(b) (col. 3, lines 36-39, corresponding to claimed copolymer (B)), an ethylene/unsaturated monocarboxylic acid/carbon monoxide copolymer (2)(a) (col. 4, lines 23-29, corresponding to claimed copolymer (C)), and an ethylene/glycidyl (meth)acrylate copolymer (2)(b) (col. 1, lines 45-52, corresponding to claimed copolymer (C)). The examples described on page 7, line 26 to page 8, line 11 of the specification are prepared via mixing within a twin-screw extruder.

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Based on the equivalent anhydride, carboxyl and epoxide functionalities pendant on equivalent copolymers combined in an equivalent manner via a twin-screw extruder, the thermoplastic composition of Spelthann forms a crosslinked phase involving the reactions between the anhydride and carboxyl groups with the epoxide groups of the copolymers which do not patentably differ from that claimed.

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Monday to Friday from 9:30 to 6:00 EST



Robert Sellers  
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6/25/02